



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

May 18, 2006

VIA FACSIMILE AND FIRST-CLASS MAIL

Kristi Robertson, Co-Director
Indiana Election Division
302 W. Washington, Room E204
Indianapolis, Indiana 46204

Brad King, Co-Director
Indiana Election Division
302 W. Washington, Room E204
Indianapolis, Indiana 46204

Dear Co-Directors Robertson and King:

I am writing to you as the State officials responsible for complying with the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. § 1973gg *et seq.* As you know, the NVRA requires each State to ensure that all eligible voters who make timely application are registered to vote. *See* 42 U.S.C. § 1973gg-6(a)(1). It further requires "each State" to "conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of – (A) the death of the registrant; or (B) a change in the residence of the registrant" 42 U.S.C. § 1973gg-6(a)(4).

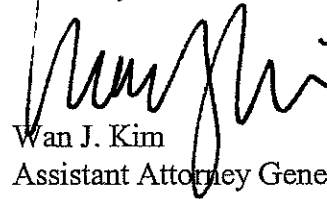
The State and its counties have long failed to comply with these list maintenance requirements. We first brought this matter to the State's attention on April 7, 2005. Yet, as you relayed to Department attorneys, the State recently discovered, as part of the implementation of a new statewide database, over 29,000 possible deceased registrants on the State's registration list and an additional 290,000 possible duplicate registrations. There is no reason under Section 8(c)(2)(B) of the NVRA why voters who have been positively identified as deceased or duplicates cannot be immediately removed from the registration rolls. Moreover, the State's current registration data shows that at least 10 counties have more than 100% of their voting age population actively registered to vote (that is, the county has more registered voters than people who could possibly vote). Many more counties have more than 90% of their voting age

population actively registered to vote. These facts strongly suggest that Indiana is not meeting its list maintenance obligations under the NVRA.

It is my understanding that you, as well as Indiana's Secretary of State, are committed to bringing the State into immediate compliance with the NVRA. I also am aware that the Secretary of State has proposed a statewide, non-discriminatory, election-related mailing that would identify additional registrants who are no longer eligible to vote in Indiana. Your commitment to resolve this issue, as well as the statewide mailing, is a good start. However, to bring the State into compliance with the NVRA, the State must be willing to exercise greater long-term oversight over each county and, if necessary, to take appropriate action against a non-compliant county. To that end, I would propose that the Department and the State negotiate a memorandum of agreement that memorializes the State's short-term and long-term plan for ensuring compliance with the NVRA.

We appreciate your continued cooperation and look forward to working with you to resolve these issues. Please contact Eric Eversole (202-305-0566) concerning the State's intentions within one week of the date on this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wan J. Kim', written over a vertical line.

Wan J. Kim
Assistant Attorney General

cc: Todd Rokita, Indiana Secretary of State